

OUR FILE NUMBER: 400.142360

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**07 4184**

ANDREE STOTLE,

Plaintiff(s),

**NOTICE OF REMOVAL**

-against-

**TOWNES, J.**

Civil Action

**FILED**

DOUBLETREE CORPORATION, HILTON HOTELS  
CORPORATION and SCENTAIR TECHNOLOGIES,

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

Defendant(s).

**AZRAK**

★ OCT 05 2007 ★  
BROOKLYN OFFICE

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

This Notice of Removal on behalf of defendants, Doubletree Corporation, Hilton Hotels Corporation respectfully shows:

1. On or about August 10, 2007, an action was commenced against defendant in the Supreme Court of the State of New York, New York County, which action is entitled above. Copies of the Summons and Complaint are attached hereto and marked as **Exhibit "A"**.

2. The Summons and Complaint was received by the defendant's agent for service of process, Corporation Service Company, on September 5, 2007. The defendants received the summons and complaint on September 5, 2007.

3. The above described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. 1332 and is one which may be removed to this Court by petitioner, pursuant to the provisions of 28 U.S.C. 1441 in that the manner in controversy allegedly exceeds the sum or value of \$75,000 exclusive of on interest and costs.

CALLAN, KOSTER,  
BRADY & BRENNAN, LLP  
COUNSELORS AND  
ATTORNEYS AT LAW  
One Whitehall Street  
New York, New York 10004  
212-248-8800

4. Plaintiff was, at the time this action was commenced, and still is a citizen of the State of New York. Doubletree Corporation, Hilton Hotels Corporation were at the time this action was commenced, and still are, corporations organized under the laws of the State of Delaware and having its principal place of business in the State of Illinois.

5. The incident that is the subject of this complaint occurred at premises located at 1909 Spring Road, Oak Brook, Illinois 60523.

**WHEREFORE**, defendant requests that this action now pending against it in the Supreme Court of the State of New York, New York County, be removed therefrom to this Court.

Dated: New York, New York  
October 5, 2007

**CALLAN, KOSTER, BRADY & BRENNAN, LLP**

By:

Keren Z. Rivlin

Keren Z. Rivlin (9458)  
Attorneys for Defendant(s)  
Doubletree Corporation, Hilton Hotels Corporation  
One Whitehall Street, 10th Floor  
New York, New York 10004  
(212) 248-8800

TO: THE LAW OFFICE OF HOWARD BLAU  
Attorneys for Plaintiffs  
222 East 48<sup>th</sup> Street  
New York, New York 10017  
(212) 514-6800

SEP-10-2007(MON) 10:16

Sep-07-07 10:21am From-HILTON HOTELS LEGAL DEPT

P:013/052

8013745050

T-630 P.08

F-787

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**ANDREE STOTLE**

**Plaintiff,**

**Index No. 07-111414**

**-against-**

**SUMMONS**

**DOUBLETREE CORPORATION, HILTON HOTELS  
CORPORATION and SCENTAIR TECHNOLOGIES**

**Defendants.**

**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.**

**Dated: August 10, 2007**

**Howard Blau  
The Law Office of Howard Blau  
222 East 48<sup>th</sup> Street  
New York, NY 10017**

**NEW YORK  
COUNTY CLERK'S OFFICE**

**AUG 21 2007**

**NOT COMPARED  
WITH COPY FILE**

Sep-07-07 10:21am From-HILTON HOTELS LEGAL DEPT

8013745050

T-538 P.09

F-767

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ANDREE STOLTE

Index No.

Plaintiff.

VERIFIED COMPLAINT

-against-

DOUBLETREE CORPORATION, HILTON HOTELS  
CORPORATION and SCENTAIR TECHNOLOGIESNEW YORK  
COUNTY CLERKS OFFICE

AUG 21 2007

Defendants.

NOT COMPARED  
WITH COPY FILE

ANDREE STOLTE, by her attorney, HOWARD L. BLAU, alleges for her Complaint herein, on knowledge of matters relating to Defendants and Defendants' own acts, and upon information and belief as to all other matters and all other persons, as follows:

1. At all times hereinafter mentioned, the Plaintiff, ANDREE STOLTE, was and still is a resident of the State of New York (hereinafter referred to as "Plaintiff").
2. At all times hereinafter mentioned, the Defendant, DOUBLETREE CORPORATION, was and still is a domestic corporation (hereinafter referred to as "Doubletree").
3. At all times hereinafter mentioned, the Defendant, HILTON HOTELS CORPORATION, was and still is a domestic corporation (hereinafter referred to as "Hilton").
4. At all times hereinafter mentioned, the Defendant, SCENTAIR TECHNOLOGIES, was and still is a domestic corporation (hereinafter referred to as "ScentAir").
5. On or about June 7, 2007, the Plaintiff arrived for her scheduled stay at the Doubletree Hotel Chicago Oakbrook. While the Plaintiff was in the hotel's lobby checking in, she inhaled the chocolate-chip-cookie-scented air freshener being sprayed in the area. Upon inhaling the air freshener, the Plaintiff felt a "film" developing on her face, and she also became "disoriented" and walked out of the lobby to get fresh air. After exiting the lobby and getting away from the air freshener, the Plaintiff's symptoms disappeared.
6. On or about June 8, 2007, the Plaintiff once again entered the hotel's lobby on her

Sep-07-07 10:22am From-HILTON HOTELS LEGAL DEPT

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T-639 P.10/51 F-767

way to a conference being held in one of the hotel's business rooms. Although the Plaintiff was in the lobby for no more than five minutes, she once again inhaled the air freshener, felt the film on her face, and experienced a choking sensation. Despite her negative physical reaction to the air freshener, the Plaintiff attended the first part of her conference.

7. However, during an intermission at the conference, the Plaintiff needed to use the restroom, and therefore got in a line that had formed in the lobby to do so. While in line, the Plaintiff inhaled the air freshener, and felt dizzy and like her throat was constricting. Given this, the Plaintiff decided to get some fresh air by going outside the hotel. As she attempted to leave the hotel, though, the Plaintiff passed out when she reached the lobby's industrial sliding-glass doors, and crashed into them with so much force that the doors came out of their tracks as a result. The Plaintiff has no recollection of falling into the doors.

8. Upon smashing into the doors, the Plaintiff split open one of her fingers, and also suffered a large gash on one of her hands. After a few moments of being unconscious, the Plaintiff regained consciousness and found herself in the center of a crowd of people and saw a pool of blood forming next to her cut finger and hand.

9. While two members of the conference, both of whom were registered nurses, helped the Plaintiff deal with her bleeding as she waited for an ambulance to arrive, John Opiola, the assistant front office manager of the Doubletree Hotel Chicago Oakbrook, pushed through the crowd and began asking questions to the Plaintiff, who was still disoriented, so he could fill out an incident report. In fact, Mr. Opiola's response to the situation was so intrusive that the nurses demanded he "go away" while they tended to the Plaintiff.

10. When the ambulance arrived and the Plaintiff was put on a stretcher to be transported to a nearby hospital, she experienced great embarrassment as a crowd of people watched the ordeal unfold. While at the hospital, the Plaintiff was treated by Dr. Carlos Martinez, and received eight stitches in her finger. However, she received no instructions as to how to properly care for her injury. (Copies of the ambulance and hospital reports are annexed as "Exhibit A" and "Exhibit B," respectively.)

11. Before checking out of the hotel on or about June 11, 2007, the Plaintiff inquired about the air freshener she inhaled, and was informed that the signature scent of all Doubletree Hotels is, in fact, chocolate chip cookies, and that the fragrance was pumped into the lobby at the Doubletree Hotel Chicago Oakbrook by a dispenser hidden behind a plant between two couches.

12. The Plaintiff came back to New York on or about June 11, 2007.

Sep-07-07 10:23am From:HILTON HOTELS LEGAL DEPT

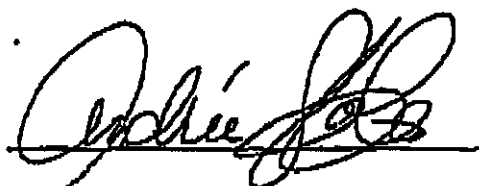
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T-638 P.13/51 F-787

**VERIFICATION**

STATE OF NEW YORK     )  
COUNTY OF NEW YORK   ) ss:

I, Andree Stolte, being duly sworn, say I am the Plaintiff in the within action. I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge.



Andree Stolte

Sworn to before me this  
day of August 13, 2007

**NOTARY PUBLIC**

**ROSE ANTHONY DIFEO**  
Notary Public, State of New York  
No. 02010168893  
Qualified in Nassau County  
Commission Expires Dec. 4, 2010

SEP-10-2007 (MON) 10:18

P. 019/052

Sep-07-07 10:23am From: HILTON HOTELS LEGAL DEPT

9013745050

T-539 P.14/51 F-757

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ANDREE STOLTE

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINT

DOUBLETREE CORPORATION, HILTON HOTELS  
CORPORATION and SCENTAIR TECHNOLOGIES

Defendants.

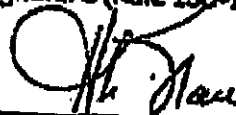
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VERIFIED COMPLAINT OF PLAINTIFF ANDREE STOLTE

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Signature (Rule 130-1.1-a)



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Howard L. Blau, Esq.  
The Law Office of Howard L. Blau  
Attorney for the Plaintiff  
222 East 48<sup>th</sup> Street  
New York, NY 10017  
Tel. (212) 514-6800  
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